

### **REMARKS**

Applicants respectfully thank the Examiner for the courtesies extended during the telephone call on February 12, 2008 with Applicants' representative.

Claims 1-41 are pending in this application. Claims 1, 3 and 39-41 have been withdrawn by the Examiner as being drawn to non-elected inventions.

As a preliminary matter, Applicants submit that claim 1 should not be withdrawn from consideration. As discussed in the Response to Restriction Requirement and Preliminary Amendment filed on November 5, 2007 (see page 8), claim 1 is generic, since the recitation "a method of treating a puncture in a vein or artery" encompasses both the elected species "a method of treating a puncture in a femoral artery" and the non-elected species "a method of treating a puncture in a vein." Reconsideration of the status of claim 1 is respectfully requested.

Claims 1-3, 14, 19, 22 and 39 have been amended and new claim 42 has been added for purposes of clarity. Support for the amended claims and new claim can be found in the specification as set forth in the chart below.

<b><u>Claim(s)</u></b>	<b><u>Support</u></b>
1, 2, 3, 39	"a composition comprising...one or more vasoconstrictor" (see [0002], lines 7-8; [0083], lines 2-3; and [00111], lines 1-2)
14	"the composition further comprises one or more coagulant" (see [0002], lines 7-9; [0083], lines 3-4; and [00109], lines 1-2)
19	"the composition further comprises one or more biodegradable material" (see [0019], lines 8-9)
22	"the anticoagulant comprises one or more of...a thrombolytic agent" (see [0020], lines 12-14)
42	"the coagulant is...tranexamic acid" (see [00109], lines 2-9)

In addition, claims 2, 8, 9, 16, 18 and 20 have been amended to correct certain editorial errors.

Furthermore, claim 24 has been amended such that it no longer depends on claim 2, which recites "femoral artery." Also, the dependency of claim 25 has been amended, since there is no antecedent basis for the phrase "the vein" in claim 2.

No new matter has been added. Upon entry of the present amendments, claims 1-42 will be pending in the present application.

**I. STATEMENT OF SUBSTANCE OF INTERVIEW**

On February 12, 2008, Applicants' representative Ann Chen telephoned Examiner Michele Kidwell to clarify the species election requirements set forth on page 2 of the Office Action dated January 25, 2008. In response, the Examiner explained that Applicants are required to elect a single species in each of the following categories:

- (i) one vasoconstrictor in claim 4;
- (ii) one type of composition in claim 8;
- (iii) one type of coagulant in claim 14;
- (iv) one type of composition formulation in claim 18;
- (v) one type of biodegradable material in claim 20;
- (vi) one type of anticoagulant in claim 22;
- (vii) one type of artery in claim 24;
- (viii) one type of vein in claim 25;
- (ix) one type of compression in claims 26 and 27; and
- (x) one rate regarding the application of pressure in claims 32-36.

During the telephone call, the Examiner also indicated that Applicants' species election in claim 8 might effect claim 9. In response, Ms. Chen informed the Examiner that claim 9 does not depend on claim 8, and thus, the species election in claim 8 should not effect claim 9.

**II. ELECTION/RESTRICTIONS**

The Examiner has required under 35 U.S.C. § 121 election of a specific embodiment from each of the following: one vasoconstrictor, one type of composition, one type of coagulant, one type of composition formulation, one type of biodegradable material, one type of anticoagulant, one type of artery, one type of vein, one type of compression, and one rate regarding the application of pressure. The Examiner alleges that the species are independent or distinct. The Examiner also alleges that currently, no claim is generic.

In view of the Examiner's comments made during the telephone call on February 12, 2008, Applicants make the following election:

Regarding the species election under "one vasoconstrictor," Applicants hereby elect "epinephrine." Claim 4 is readable upon the elected species, and claims 1-3 and 5-42 are generic.

Regarding the species election under "one type of composition," Applicants hereby elect "a solid." Claim 8 is readable upon the elected species, and claims 1-7 and 9-42 are generic.

Regarding the species election under "one type of coagulant," Applicants hereby elect "thrombin." New claim 42 is readable upon the elected species, and claim 14 is generic.

Regarding the species election under "one type of composition formulation," Applicants hereby elect "a mat." Claim 18 is readable upon the elected species, and claims 1-17 and 19-42 are generic.

Regarding the species election under "one type of biodegradable material," Applicants hereby elect "collagen." Claim 20 is readable upon the elected species, and claims 19 is generic.

Regarding the species election under "one type of anticoagulant," Applicants hereby elect "heparin." Claim 22 is readable upon the elected species, and claims 21 and 23 are generic.

Regarding the species election under "one type of artery," Applicants hereby elect "femoral artery." Claims 2 and 24 are readable upon the elected species, and claims 1, 3-23 and 26-42 are generic.

Regarding the species election under "one type of vein," Applicants hereby elect "subclavian vein." Claim 25 is readable upon the elected species, and claims 1, 3-23 and 26-42 are generic.

Regarding the species election under "one type of compression," Applicants hereby elect "manual compression." Claim 26 is readable upon the elected species, and claims 1-25 and 28-42 are generic.

Regarding the species election under "one type of rate regarding the application of pressure," Applicants hereby elect "at least 10%." Claim 32 is readable upon the elected species, and claims 1-31 and 37-42 are generic.

Upon the allowance of a generic claim, claims drawn to additional species that depend from or otherwise include all the limitations of the allowable generic claim should be considered pursuant to 37 C.F.R. § 1.141. *See* Section 809.02(a) of the MPEP 8th Ed, Rev. Sept. 2007 at pages 800-53 and 800-54.

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Reply to Office Action dated Jan. 25, 2008

**CONCLUSION**

Applicants reserve the right to prosecute the non-elected subject matter in one or more related applications. Applicant also reserves the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

Applicants respectfully request that the above amendments and remarks be entered and made of record in the file history of the instant application.

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Respectfully submitted,

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